THE HON'BLE SRI JUSTICE A. GOPAL REDDY

W.P.No. 7851 of 2001

Dated: 31-08-2007

Between:-

Cheruku Saibu Goudu

..Petitioner

And

The Superintendent of Police,
East Godavari district, Kakinada and three others.

..Respondents.

THE HON'BLE SRI JUSTICE A. GOPAL REDDY

W.P.No.7851 of 2001

:O R D E R:

By means of filing a writ petition under Article 226 of the Constitution of India, the petitioner seeks police protection to his family members and the properties situated in survey Nos. 1,2,4,5,7 and 10 of Nadinveedhi Sivaru of Sirigindalapadu/Pandirimamidi Mokhasa of Rampachodavaram mandal, East Godavari district and for initiation of appropriate action on the complaint No. 129 of 2001 dated 27-03-2001 by extending police protection.

It is the case of the petitioner that himself and his family members are in peaceful possession and enjoyment of the agricultural lands situated in survey Nos. 1,2,4,5,7 and 10 of Nadinveedhi Sivaru village. The authorities conducted survey operations during 1970 and assigned survey Nos. 1,2,4,5, 7 and 10 to their agricultural lands. The Mokhasa's were not yet taken over by the State. The settlement operations have not been completed even though the lands having been in their lawful possession for a continuous period and properly included in the Mokhasa Amarkam Accounts. A percolation tank in Pitta Choudu Chalaka was dug in order to augment the water management. This tank is also being used by them to rear fish.

When there are threats and danger to their lives and property, police complaint was lodged stating that some of the villagers styling themselves as Ryot Coolie Sangham activities and posing themselves as extremists have tress passed into the tank on 24-03-2001 and taken

away the entire fish in the tank. In spite of the same, the police have not taken any action against the persons who have illegally trespassed into the lands of the petitioner and took away the fish by registering any crime. Though request made in the complaint to protect their lives and property, no action is forthcoming from the police. Hence the writ petition.

In response to the various allegations made in the affidavit filed in support of the writ petition, the S.I. of Police, Rampachodavaram, respondent No.4, filed a counter stating that according to the proceedings in L.Dis.E/491/2001 dated 25-04-2001 addressed by the Mandal Revenue Officer, Rampachodavaram to the fourth respondent, the Nadivedhi village is a Mukhasa village and no settlement pattas were issued to any person and ownership of the land in question cannot be decided at present. On the complaint made by the petitioner a receipt No. 129 of 2001 dated 27-03-2001 was issued. Immediately after receipt of the complaint, the petitioner was asked to produce documents in support of his claim of ownership and enjoyment over the fish tank lands. The fourth respondent also summoned the persons against whom the petitioner made a complaint and obtained bonds of security from them in order to prevent breach of peace and public tranquillity. The persons who are said to have been labelled by the writ petitioner as extremists, are local tribals. The respondent No.4 immediately responded after receipt of the complaint and steps were taken to ensure the protection to petitioner.

Learned counsel for the petitioner contends that when the complaint is made with the police, they are under obligation to register the same under various offences including trespass, attempt to commit murder etc., and file charge sheet against the persons mentioned in the complaint, but the police cannot simply obtain bonds from them.

The fact is that the writ petition was filed as long back as in 2001, but so far the persons against whom the complaint is made did

not dispossess the petitioner from the lands in question, nor there was any threat to his life and property. Further there is no interference with the enjoyment of the property by the petitioner or any threat to his life and property. However, it is needless to say that as and when there is any treat to the life and property of the petitioner, he is always at liberty to approach the concerned authority for redressal of his grievance. The writ petition is disposed of accordingly. No costs.

A. GOPAL REDDY, J

Dated: 31-08-2007.
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